

District II Advisory Board Minutes

January 5, 2009

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9th Street North. CM Schlapp was in attendance, (10) board members attended, (6) staff and approximately (9) citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Joe Johnson
Aaron Mayes
Max Weddle
Larry Frutiger
David Mollhagen
Daryl Crotts
Sarah Devries
Phil Ryan
Tim Goodpasture
Brian Carduff

Marty Weeks
Allison Wegner-Youth Member
Nick Pompeo- Youth Member

Staff Present

Antione Sherfield- Neighborhood Assistant
Chief Lawson - Wichita Fire Department
Officer West-Wichita Police Department
Officer Hinner – Wichita Police Department
Becky Lewis – Environmental Services
Derrick Slocum – Planning Department

Guests

Listed below

Members Absent

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:04 p.m. DAB members did introductions. CM Schlapp welcomed everyone and explained how the DAB meeting is conducted. She advised that Chairman Joe Johnson runs the meeting as she likes to get feedback from her board on issues brought before them and feels that this is the best manner to receive that information.

APPROVAL OF MINUTES AND AGENDA

- **December minutes approved (10-0)**
- **January agenda approved (10-0)**

PUBLIC AGENDA

1. Off-Agenda Items

Vicki Mork, 5903 Avalon

Ms. Mork made the DAB and community aware of a potentially illegal business operating at 6309 E. Oakwood. Ms. Mork stated that the business is a Massage Parlor

but has failed to apply for a Conditional Use permit with the City Of Wichita. She also stated that there is traffic going in and out of the home at all hours of the night. She also stated that they are advertising on Craig's List and the Wichita Eagle.

CM Schlapp stated that City Staff has begun the process of investigating this situation. She asked Ms. Mork to be patient with this process as we sort through the issues.

STAFF REPORT

2. Community Police Report

Officer West, provided information pertaining to current crime trends in District II. Officer West stated burglaries were down significantly in District II compared to the months leading up to the Holidays. Officer West stated that the Wichita Police Department was able to identify suspects in reference to the burglaries and arrests were made.

3. Community Fire Report

Botallion Chief Lawson, provided information pertaining to Fire Service calls in District II. Chief Lawson stated that there were (3) house fires in District II in the month of December. One was due to electrical issues, the second house fire was accidental and the third was due to a trash can being set on fire.

Chief Lawson also stated that Fire Station #20 is on schedule to be completed on its completion date.

CM Schlapp thanked the Fire Department their report and applauded the fine work they provide our City and community.

4. E.P.A. CARE Grant Presentation

Dr. Elizabeth Ablah with the KU School of Medicine provided information pertaining to the awarding of the E.P.A. CARE Grant.

Dr. Ablah stated that the City of Wichita and the KU School of Medicine were partnering with the EPA C.A.R.E Grant. The goals of the EPA Grant are to provide opportunities to reduce levels of toxic pollutants, promote local consensus-based solutions that address risk comprehensively, and help communities to identify and access ways to reduce toxic exposures. The EPA grant is worth \$ 100,000 and is for two years. She also stated that this is a "grass roots" effort to get the community involved and citizens engaged. One other critical goal is to conduct 60 Focus Groups that will address community issues.

Lastly, she stated that there are (3) core areas of the grant.

- Engagement of all citizens
- Collecting statistics
- Develop solutions

CM Schlapp inquired about the boundaries of the project.

Dr. Ablah stated that the project would focus on the areas in the inner city.

Larry Frutiger, DAB Member asked how this project interfaced with Sedgwick County.

Dr. Ablah stated that they wrote Sedgwick County a letter inviting them to participate with this project.

David Mollhagen, DAB Member inquired if the focus groups were designed to educate the community?

Dr. Ablah stated that the focus groups are geared to get information from the community.

CM Schlapp thanked Dr. Ablah for their efforts with this project.

Recommended Action: Receive and file.

5. ZON2008-00071

Derrick Slocum, Planning Department, provided information pertaining to City Zone change Tf-3 Two-family Residential and (GO) General Office to (LC) Limited Commercial, generally located south of Central Ave. and the West side of Oliver Street.

The applicant is requesting a zone change from GO General Office (“GO”) and TF-3 Two-family Residential (“TF-3”) (Lots 12, 14, 16, 18, 20, on Oliver Avenue, and the east 18.75 feet of lot 11 and the east 18.75 feet and north 20 feet of Lot 13, on Dellrose Avenue, all in East Lawn Addition, Wichita, Sedgwick County, Kansas) to LC Limited Commercial (“LC”). The application area contains approximately 0.50 acre with 125 feet of frontage located along Oliver Street, less than one block south of Central Avenue. The subject site is currently developed as a parking lot serving the retail use abutting the north side of the application area.

The site is developed as a parking lot; the entire lot is paved, and used for parking and traffic circulation for the businesses that abut the site to the north. There are approximately thirty parking stalls, with what appears to be one handicap accessible stall, located at the rear of the building.

Properties west of the site, across an alley, are zoned SF-5 Single-family Residential and TF-3, and are developed with single-family residences and office uses. Property owned by the applicant, zoned LC, abuts the north side of the application area, and is developed with retail

uses. Property to the south is zoned TF-3 and is developed with single-family residential uses. The property east of the subjects site, across Oliver Street, is zoned LC and is developed with office and retail uses.

Any development on the subject property will be required to meet access management regulations, all compatibility setbacks, height, noise and design standards, landscaping, screening and any other applicable codes and development standards.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Strip Store
SOUTH:	TF-3	Single-family Residential
EAST:	LC	Strip Store/Office
WEST:	SF-5/TF-3	Office/Single-family Residential

Derrick Slocum, Planning Department stated that he did not know what the owner had in mind with the property.

WG Farha, Owner stated the property has been zoned half Limited Commercial and half General Office. He would like to convert the entire property to Limited Commercial. He stated that the City of Wichita has spent a lot of money in regard to expanding the intersection. His main interest is to beautify the corner.

The owner also stated the City of Wichita wanted to acquire some frontage area of his property. He stated that he elected not to sell to the City of Wichita.

Dave Mollhagen, DAB Member stated that it is unconstitutional for the City to take property from property owners. Without just compensation and a permit should not equate to just compensation.

Nancy Koenig, 432 N. Dellrose asked why would the City need more land after they have already reconstructed the intersection.

Daryl Crotts, DAB Member stated that the City is forecasting potential expansion in the area.

Tim Goodpasture, DAB Member asked what the current right-a-way is on the LC portion.

Derrick Slocum stated that the west side is 50 ft. and the east side is 60 ft. which is a total of 110 ft.

Joe Johnson, DAB Chairman asked if this zoning was approved could this be a potential pay/day loan site.

WG Farah stated that if he rebuilt the property he would not put a pay/day loan in the space.

Larry Frutiger, DAB Member asked if there would be any screening for the homes to the South.

Derrick Slocum stated that owner would have to comply with the codes in reference to screening.

Recommended Action: The **DAB members** voted **(10-0)** to support the requested zoning changes subject to the removal of “with the contingent dedication of 20-foot of ROW along the application area’s site where it fronts Central Avenue, the contingent dedication of 30-foot of ROW along the application area’s site where it fronts Oliver Street”, compliance with the UZC’s compatibility setbacks, screening, lighting, access, and landscaping and subject to the provisions of a Protective Overlay.

- 1) Signs are not allowed to face towards the south and west of property lines.**
- 2) Portable, billboards and off-site sites are not permitted.**
- 3) If rebuilt, don’t allow Pay-Day Loan to operate in space.**

6. Club Ordinance

Kurt Schroder, Office of Central Inspection provided information pertaining to changes to the Club Ordinance.

Background: During 2008, the Police Department observed an increase in violence in and around cabarets (live entertainment), dance halls, as well as businesses which sell alcohol & are licensed as drinking establishments or drinking establishment restaurants. In addition, some of these establishments are located in close proximity to residential neighborhoods. As a result the Department received many complaints related to disturbances, intoxicated individuals, loud noise, and urinating in public involving patrons of these establishments. Community concern peaked when acts of violence involving deadly weapons were associated with some of these venues. Significant police resources have been expended in dealing with these types of complaints.

As a result, the Wichita Police Department formed an internal & external focus group that examined these problems and made recommendations to executive staff pertaining to dance halls & cabarets, as well as establishments selling cereal malt beverage and alcoholic liquor. Those focus groups completed their work in August of 2008.

Kurt Schroder stated that everyone associated with making changes to the ordinance met with Neighborhood Associations and citizens in the community dating back to June to get community feedback on the proposed changes.

He stated that the biggest issue identified was zoning in reference to clubs and bars that were already grandfathered in. The other issue was the distance from churches, schools, and residences. One other area was the Drinking Establishment/Restaurant license code which allows the business to act as a restaurant where individuals under 21 could be present. The license allows the business to operate with 30% of all sales being food. Kurt stated that the proposed change would increase the sale of food to 50%.

DAB Member, Dave Mollhagen asked how is the 30% or 50% sales of food established? 'How is it going to be regulated?

Kurt stated that they will have (2) months to establish and Police will probably regulate this.

CM Schlapp inquired if (2) months was long enough to establish. Typically, it takes time to market and establish.

Kurt stated the Police Chief will have the authority to grant additional time to establish.

Kurt also stated that the owners will be required to have their staff trained every year in reference to security and managing the club.

Brian Carduff, DAB Member asked what the recourse would be if the owners did not comply with training measures.

Kurt stated that the owners could be written a citation or their license could be revoked.

CM Schlapp asked who would pay for this.

Kurt stated the City would be responsible for the training.

Daryl Crofts, DAB Member asked in reference to changing to 300 ft., how many existing establishments would be non-conforming.

Kurt stated that it would probably be a large number but could not provide exact number.

Recommended Action: The DAB asked that the Club Ordinance come back before the DAB. The DAB wanted more information and wanted to see the actual ordinances vs. the Draft.

With no further business, the meeting was adjourned at 8:45 p.m. The next DAB II Meeting will be March 2, 2009.

Respectfully Submitted,
Antione Sherfield, Neighborhood Assistant

Guest

WG Farha

Charles Simon

Nancy Koenig

Vicki Mork
Mr. Lambert
David Dabich
Tom Roth
Elizabeth Ablah